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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,608	01/05/2004	Jung You	30110-RA	2991
30184	7590	01/18/2007	EXAMINER	
MYERS & KAPLAN, INTELLECTUAL PROPERTY LAW, L.L.C. 1899 POWERS FERRY ROAD SUITE 310 ATLANTA, GA 30339			TILL, TERENCE R	
ART UNIT		PAPER NUMBER		1744
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/18/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/751,608	YOU ET AL.
	Examiner Terrence R. Till	Art Unit 1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 January 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/20/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second cleaning element is a brush (claim 7) and the sidewalls do not extend beyond said at least one first cleaning element and said at least one second cleaning element (claim 11) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference characters 82 and 84 are not shown in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

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must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the claimed recitation of the second cleaning element is a brush is not found in the specification.
4. The disclosure is objected to because of the following informalities: On page 17, line 15, "wherein channels 82 and 84 (not shown) are formed between sidewalls 80 and semi-absorbent pad 60 and squeegee 70" is confusing as it seems that applicant wants to show these features in the drawings, but then says they are not shown.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4, 14, 15, 18, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ginsburgh et al. (US 3,538,535).

7. The patent to Ginsburgh et al. inherently discloses (figures 1-7) a method of cleaning, comprising the steps of: a) obtaining a vacuum cleaning attachment comprising at least one intake head 48, at least one first cleaning element 107 that includes a supplemental wiping element (squeegee 105), and at least one second cleaning element 93 (a brush); b) connecting said vacuum cleaning attachment to a vacuum source 26; and c) moving said vacuum cleaning attachment over the exterior of an automobile 32. 15. Ginsburgh et al. further disclose the step of applying a cleaning solution (see figure 4 and column 4, lines 40-50) to a surface to be cleaned.

8. Claims 1, 5, 7-9, 12, 14, 15, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Henning (US 4,596,061).

9. The patent to Henning discloses a vacuum cleaner apparatus comprising: at least one intake head 18; at least one first cleaning element 30 (leading squeegee); and at least one second cleaning element 50 (brush- claim 7), or alternatively, trailing squeegee 30 (claim 5). Henning also discloses at least one third cleaning element 38, the sidewall. With respect to claim 12, it can be seen from figure 3, that said sidewalls contact said at least one first cleaning element and/or said at least one second cleaning element. Henning also inherently discloses a method of cleaning, comprising the steps of: a) obtaining a vacuum cleaning attachment comprising at least one intake head 18, at least one first cleaning element 30 (squeegee), and at least one second cleaning element 50 (brush- claim 20), or alternatively, trailing squeegee 30 (claim 18); b) connecting said vacuum cleaning attachment to a vacuum source (see figure 1); and c) moving

said vacuum cleaning attachment over a surface to be cleaned, applying a cleaning solution 16, 48, 127-138, to a surface to be cleaned.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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13. Claims 2, 3, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henning (US 4,596,061) in view of Kurose (US 2,893,044).

14. The patent to Henning discloses all the claimed subject matter with exception of disclosing that the first cleaning element is a semi-absorbent pad. The patent to Kurose discloses a vacuum cleaner apparatus having many of the same features of Henning and, in addition to disclosing squeegees 15,17 and a brush 23, discloses a cleaning element 19 that is a semi-absorbent foam pad. It would have been obvious to a person skilled in the art at the time the invention was made to provide the device of Henning with a semi-absorbent pad to be the first cleaning device in view of the teaching of Kurose in order to evenly distribute the liquid onto the surface to be cleaned. With respect to claims 3 and 17, although, Henning, as modified by Kurose, does not disclose the pad being formed from ethylene propylene diene monomer foam, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the pad of Kurose from ethylene propylene diene monomer foam, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. In re Leshin, 125 USPQ 416.

15. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henning (US 4,596,061) in view of Robinson (US 6,206,980).

16. Henning discloses the claimed invention except that the squeegees of Henning do not have any ridges. The patent to Robinson shows that having a squeegee 284 with ridges 310 is an equivalent structure known in the art. Therefore, because these two squeegees were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the smooth walled squeegee of Henning for the ridged

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squeegee of Robinson as the ridges enable air, water and debris to enter the nozzle (see Robinson column 19, lines 15-25).

17. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henning (US 4,596,061).

With respect to claim 10, the patent to Henning discloses walls 38 but does not disclose of what they are made. Thus, Henning does not disclose the sidewalls being formed from ethylene propylene diene monomer foam, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the pad of Kurose from ethylene propylene diene monomer foam, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. In re Leshin, 125 USPQ 416. With respect to claim 11, Henning also does not disclose said sidewalls do not extend beyond said at least one first cleaning element and said at least one second cleaning element. However, it would have been an obvious matter of engineering choice to a person skilled in the art at the time the invention was made to have the sidewalls not extend beyond said at least one first cleaning element and said at least one second cleaning element, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. Gardner v. TEC systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984).

18. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsburgh et al. (US 3,538,535) in view of Robinson (US 6,206,980).

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19. The patent to Ginsburgh et al. discloses at least one intake head 48, a first cleaning element 107 which is a semi-absorbent pad and a second cleaning element 100 that is a squeegee. Ginsburgh et al. do not disclose a squeegee having ridges. The patent to Robinson shows that having a squeegee 284 with ridges 310 is an equivalent structure known in the art. Therefore, because these two squeegees were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the smooth walled squeegee of Ginsburgh et al. for the ridged squeegee of Robinson as the ridges enable air, water and debris to enter the nozzle (see Robinson column 19, lines 15-25).

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Henning '092 and Thomas et al. show additional vacuum heads with squeegee and brush cleaning assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrence R. Till whose telephone number is (571) 272-1280. The examiner can normally be reached on Mon. through Thurs. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys P. Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Terrence R. Till
Primary Examiner
Art Unit 1744

trt